

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Court
Southern District of Texas
FILED

MAY 23 2019

David J. Bradley, Clerk of Court

United States of America
v.
Joshua Chavarria

Case No.

H19-0936M

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 05/21/2019 in the county of Wharton in the SOUTHERN District of TEXAS, the defendant violated TITLE 8 U. S. C. § 1324(a)(1)(A)(v)(I) and (A)(ii), an offense described as follows:

Conspiring with others knowingly or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transport, move or attempt to transport or move such alien within the United States by any means in violation of Title 8 United States Code, Section(s) 1324 (a)(1)(A)(v)(I) and 1324 (a)(1)(A)(ii)

This criminal complaint is based on these facts:

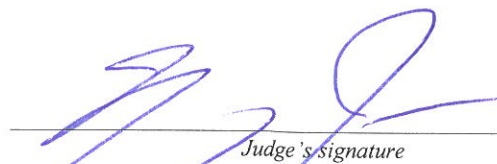
See attached Affidavit.

☒ Continued on the attached sheet.
Complainant's signature

Randell S. Southland, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/22/2019City and state: Houston, Texas
Judge's signature

Nancy K. Johnson, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Randell S. Southland, being first duly sworn, depose and state the following:

1. I am a Special Agent with Homeland Security Investigations (HSI). I have been so employed since 2004. Prior to that, I was an Immigration Enforcement Agent with the Immigration and Naturalization Service (INS) from 1997 to 2004. I have training and experience in alien smuggling investigations.
2. The information enumerated in the paragraphs below, furnished in support of this affidavit, is derived from my own observations and the observations of other law enforcement officers.
3. On May 21, 2019, at approximately 1200 hours, Trooper Corrale (badge # 14367) with the Texas Department of Public Safety (DPS)(Region 02, District D, Area 01) initiated a vehicle stop on a black Ford F-250 pickup (TX license plate LKH 4511) for a "tint darkness level" violation.
4. Upon approach of the vehicle, Trooper Corrale noted that the rear bed of the truck contained building supplies including stacked sheets of insulation and roofing paper. Only two occupants were visible inside the cab of the truck. After asking for a drivers license and vehicle information, the driver was unable to provide either. The driver indicated that he was not the owner of the truck and gave verbal consent to the Trooper to look inside the truck. During his inspection, Trooper Corrale determined that the stack of insulation in the bed of the truck appeared to be hollow. Further investigation revealed that the stack contained a false compartment in which four persons hid. Suspecting this was a possible case of human smuggling, Trooper Corrale contacted the HSI duty agent for assistance. Trooper Corrale and his partner made the decision that the girlfriend of CHAVARRIA was not involved in the alien load and let her go without further incident.
5. Homeland Security Investigations (HSI) Agents Raul Silva and Jeff Whitfield responded to El Campo, Texas. There, they determined the driver, identified as Joshua CHAVARRIA (DOB 03/22/1992, FBI# 525893WD3) is a citizen and national of the United States. The four (4) passengers were determined to be (2) citizens of Honduras and (2) citizens of El Salvador, all of whom were illegally present in the U.S. All four (4) subjects admitted to entering the U.S. without inspection and at a location not designated as an official U.S. Port of Entry. All four undocumented aliens (UDAs) were administratively arrested for entering the U.S. without inspection. They were later transported to the Montgomery County Service Processing Centers (MPC) for additional checks and further investigation.
6. HSI Special Agent (SA) Randell Southland and Raul Silva interviewed the principle, Joshua CHAVARRIA in a recorded interview. CHAVARRIA waived his Miranda rights in writing and gave written and verbal consent to search his cellular phone and Facebook account. CHAVARRIA admitted to knowingly driving the truck with an unknown of aliens concealed there within.

7. CHAVARRIA stated that he drove from San Antonio to McAllen with his girlfriend and another female friend (Margaret BROWN). On the drive, BROWN explained to CHAVARRIA about all the money she had been making moving aliens. They discussed how the people inside the false compartments were provided water and food so as a driver, she didn't have to worry about them. They stopped at a Motel 6 in McAllen just after midnight the morning of May 21, 2019. BROWN rented a room for the three persons. At approximately 0530, CHAVARRIA was awoken by BROWN leaving the room to meet with an unknown Hispanic male. CHAVARRIA stated that while he wasn't paying attention to who the man was he quickly noticed that their truck they drove down in was gone. According to CHAVARRIA, he, his girlfriend and BROWN walked from the Motel 6 towards a nearby McDonalds when they were stopped on the street by unknown Hispanic male driving a mid-90's sedan. According to CHAVARRIA, the driver told them to get into the car and quickly departed for an unknown location in McAllen. CHAVARRIA described arriving at a "compound" after entering through a large metal gate and passing through a large concrete wall surrounding the property. There, CHAVARRIA said he saw multiple Hispanic males moving around the property and the truck he drove down in the day before.

8. CHAVARRIA stated that the truck was loaded from San Antonio to McAllen with a stack of wood in the back and now, it was loaded with insulation and other building supplies. CHAVARRIA and his girlfriend got into the same black truck they drove down in, while BROWN got into a different truck.


9. CHAVARRIA stated that he understood the truck bed contained aliens, but was unaware how many were there. CHAVARRIA explained that in his concern over extreme heat for the person(s) safety inside the insulated box, he stopped the vehicle several times between McAllen and his arrest in El Campo, Texas in shaded areas to give some degree of relief. While CHAVARRIA claims he never opened the false compartment, he could hear the occupant(s) moving when the vehicle was shut off in addition to feeling the weight of the vehicle shifting while it was parked and quiet.

10. CHAVARRIA also stated that while his last communication via phone with BROWN was just prior to going through the Falfurrias, Texas Border Patrol check point when he advised her everything was ok. CHAVARRIA was also receiving frequently calls from a Hispanic male who would inquire about his location and status. Further, he was to provide GPS coordinates at regular intervals along the route to a phone number of an unknown subject in Houston, Texas indicating location and status.

11. Special Agent Suyapa Martin interviewed Bayron RAMIREZ-Leiva (A216 444 698, FBI# JCP9CE5K9) in the Spanish language, witnessed by Special Agent Eleazer Paredes. Utilizing a photo line-up, RAMIREZ-Leiva positively identified CHAVARRIA as their driver at the time the vehicle had stopped, however did not see him at the time the vehicle was loaded.

12. Border Patrol Agent Alex Carrizalez interviewed Daisy Yadira MARQUEZ-Marquez (A216 444 697, FBI# LRR AJ7LNH) in the Spanish language which was witnessed by Special Agent Paul Wilson. MARQUEZ-Marquez positively identified CHAVARRIA as their driver at the time the vehicle stopped, however did not see him at the time the vehicle was loaded.

13. Based upon the evidence gathered from the investigation, I believe there is probable cause to believe that Oscar Armando RAPALO-Villanueva has violated Title 8, United States Code, Section 1324 (a) (1) (A) (v) (I) and 1324(a)(1)(A)(ii) conspiracy to transport illegal aliens.


Special Agent Randell S. Southland
Homeland Security Investigations
Houston, Texas

Sworn and subscribed before me at Houston, Texas on May 23, 2019 and I find probable cause.


Nancy K. Johnson
United States Magistrate Judge